

FOLLOW-UP REVIEW
OF THE
INTAKE TO PAROLE PROCESS

DEPARTMENT OF CORRECTIONS

October 2003

“...The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.”

– Article IV, Section 53 of the Michigan Constitution

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THOMAS H. MCTAVISH, C.P.A.
AUDITOR GENERAL

October 31, 2003

Ms. Patricia L. Caruso, Director
Department of Corrections
Grandview Plaza
Lansing, Michigan

Dear Ms. Caruso:

This is our report on our follow-up review of 2 selected findings (Findings 2 and 3) and 3 related recommendations reported in the performance audit of the Intake to Parole Process, Department of Corrections. That audit report was issued and distributed in September 1998; however, additional copies are available on request.

Our review disclosed that the Department of Corrections had substantially complied with 1 recommendation and had initiated corrective action, but the action has not resulted in full compliance with 2 recommendations.

If you have any questions, please call me or Scott M. Strong, C.P.A., C.I.A., Director of Audit Operations.

Sincerely,

A handwritten signature in black ink, reading "Thomas H. McTavish".

Thomas H. McTavish, C.P.A.
Auditor General

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INTAKE TO PAROLE PROCESS FOLLOW-UP REVIEW

INTRODUCTION

This review report contains the results of our follow-up review of 2 selected findings (Findings 2 and 3) and related recommendations reported in the performance audit of the Intake to Parole Process, Department of Corrections (DOC). The performance audit (issued in September 1998) contained the 2 selected findings and 1 other reportable condition. This review report also contains additional conditions requiring DOC's attention that were discovered during our follow-up review and further corrective action planned by DOC.

PURPOSE OF REVIEW

This follow-up review was conducted upon a legislative request for information. The purpose of this follow-up review was to determine whether DOC had taken appropriate corrective measures in response to the 2 selected findings and to report on other conditions that require DOC's attention.

BACKGROUND

The overall mission of DOC's parole consideration process is to provide the Parole Board with accurate, reliable, and timely information about a prisoner so that the Parole Board can make an informed decision to grant or deny a parole. Section 791.233 of the *Michigan Compiled Laws* states that a parole may not be granted unless the Parole Board has reasonable assurance that the prisoner will not become a menace to society or to the public safety.

Sections 791.231a and 791.235 of the *Michigan Compiled Laws* and *Michigan Administrative Code* R 791.7715 and R 791.7716 provide the basis by which the 10-member Parole Board is authorized to grant paroles. Based on statute and rule, the

Parole Board developed and uses a parole guideline score sheet that classifies prisoners' probability of parole into three categories: high, average, and low.

The Parole Board generates scores for prisoners within these categories by examining each prisoner's current sentence, prior criminal history, conduct in prison, assaultive and property risk, age, programs successfully completed while in prison, past or present mental health, and current housing level. The information relating to these factors comes from various sources, including the pre-sentence investigation reports, parole eligibility reports, the Corrections Management Information System (CMIS), and prisoner files.

In accordance with statute, the Parole Board, in most instances, is not required to interview those prisoners classified as having a high probability of parole whom the Board intends to parole. Also, the Parole Board is not required to interview those prisoners with a low probability of parole whom the Board does not intend to parole. An interview is required for all other prisoners. The score sheet is used by the Parole Board to support its final decision. Of the 24,258 prisoner cases considered for parole in 2002, the Board paroled 11,733 (48%) prisoners.

SCOPE

We interviewed DOC management to determine the status of compliance with Findings 2 and 3 from our performance audit. Also, we reviewed new legislation and policy and procedure changes since our performance audit, which included considering DOC's controls implemented to comply with Act 670, P.A. 2002. This Act allows prisoners serving time for certain drug crimes to be considered for parole prior to their minimum release date. In addition, we reviewed 60 prisoners who were considered for parole by the Parole Board from January 1, 2003 through March 31, 2003 to determine whether corrective action taken to comply with the selected audit recommendations was working as DOC had intended.

FOLLOW-UP REVIEW RESULTS

ACCURACY, RELIABILITY, AND TIMELINESS OF INFORMATION

FINDING

2. Parole Board Data

RECOMMENDATION

We recommend that DOC take sufficient action to ensure the correctness of data provided to the Parole Board.

AGENCY PRELIMINARY RESPONSE

DOC concurs and will comply with this recommendation. DOC will revise the parole guideline data entry sheets and instructions to increase clarity and reduce errors. Also, DOC will correct CMIS to recognize fighting misconducts as nonbondable misconducts. In addition, DOC will delete special designations from the parole guideline score sheet as they are not considered in the parole guideline calculation. Further, DOC will provide additional training for staff.

FOLLOW-UP REVIEW CONCLUSION

We concluded that DOC had initiated corrective action, but the action has not resulted in full compliance with this recommendation. DOC's corrective action helps ensure the correctness of data provided to the Parole Board. The corrective action included:

- a. Providing additional Parole Board staff to review parole data. This reduces the workload of individual staff, allowing for a more thorough review of parole data.
- b. Streamlining the data entry process for entering data into the parole guideline score sheet. Parole and probation agents enter pre-sentence investigation information directly into DOC's Offender Management Network Information (OMNI) System, which is downloaded into DOC's CMIS. This reduces the risk of data input errors.

- c. Discontinuing the use of parole guideline data entry sheets. This removes one step from the parole process, which further reduces the risk of data entry errors.
- d. Automatically downloading nonbondable misconducts from CMIS to the Parole Board Information System (PBIS). The automation of data helps the Parole Board to better evaluate a prisoner's behavior while in the prison system and to assess the prisoner's inherent risk to society.
- e. Eliminating the collection of irrelevant data, which allows the Parole Board to focus on only relevant factors when making Parole Board decisions.
- f. Providing training to Parole Board staff. This training facilitates consistent interpretation of DOC policies and procedures in processing prisoners through the parole process.

We determined that DOC's corrective action provided results ranging from some to significant improvement in the Parole Board's data error rates.

We reviewed 60 cases selected from 6,705 cases processed by the Parole Board from January 1, 2003 through March 31, 2003 to determine the effect of DOC's corrective action on improving the correctness of data provided to the Parole Board. We determined:

- (a) Data entered to evaluate prisoners' current sentence and prior criminal history was incorrect in 51 (4%) of 1,200 instances. This shows some improvement from the performance audit, which reported incorrect data in 61 (5%) of 1,280 instances. Together, depending on sentence length, the current sentence and prior criminal history categories can account for 9% to 24% of the total possible points on the parole guideline score sheet.
- (b) Data involving misconducts, assaultive and property risk, and age categories was incorrect in 9 (2%) of 420 instances. This shows significant improvement from the performance audit, which reported incorrect data in 57 (10%) of 560 instances. Together, depending on sentence length, the misconducts, assaultive and property risk, and age categories can account for 35% to 45% of the total possible points on the score sheet.

- (c) Data involving security classifications, programming, and mental health categories was incorrect in 7 (1%) of 720 instances. This shows significant improvement from the performance audit, which reported incorrect data in 38 (10%) of 400 instances. Together, depending on sentence length, these categories can account for 13% to 16% of the total possible points on the score sheet.

We did not note any instances in which prisoners were improperly classified as high, average, or low parole probability.

COMPLIANCE WITH STATUTES, RULES, POLICIES, AND PROCEDURES

FINDING

3. Parole Eligibility Reports (PERs)

RECOMMENDATIONS

We recommend that DOC comply with the statutes and policies for preparing PERS.

We also recommend that DOC change the PER process to better meet the needs of the Parole Board.

AGENCY PRELIMINARY RESPONSE

DOC concurs with the first recommendation and will comply. DOC will provide additional training to staff who prepare PERs. In addition, the Parole Board will monitor compliance with statutes and policies and refer errors to the appropriate administrators for appropriate remedial action.

DOC partially agrees with the second recommendation. DOC will consider establishing a policy that limits the number of supplemental PERs that can be issued. However, DOC will continue to include all information currently included in the PER as users other than the Parole Board need the information. In addition, Section 791.235 of the *Michigan Compiled Laws* specifies that all major misconduct guilty findings and punishments must be included in the PER.

FOLLOW-UP REVIEW CONCLUSION

We concluded that DOC had initiated corrective action, but the action has not resulted in full compliance with the first recommendation. DOC's corrective action brought it into partial compliance with statutes and procedures for preparing PERs. However, DOC's corrective action has resulted in substantial compliance with the second recommendation. DOC has made changes to the PER process that help it better meet the needs of the Parole Board.

The corrective action included:

- a. Reformatting the PER and requiring preparers to complete required fields within the PER. This helps ensure the capture of all necessary data.
- b. Requiring the completion of new PERs each time a prisoner is reviewed for parole, thus discontinuing the use of supplemental PERs. This helps DOC better meet the needs of the Parole Board by consolidating required data into one report, eliminating the need for the Parole Board to garner required data from multiple reports.
- c. Providing annual training to Correctional Facilities Administration staff, which helps staff complete PERs in a consistent manner.

We reviewed 60 cases selected from 6,705 cases processed by the Parole Board from January 1, 2003 through March 31, 2003 to determine the effect of DOC's corrective action on improving compliance with statutes and/or procedures and the process in better meeting the needs of the Parole Board. We determined:

- (a) Data used to reflect the prior parole history of prisoners was incorrect in 1 (2%) of 60 instances. This shows significant improvement from the performance audit, which noted incorrect data in 6 (8%) of 80 instances.
- (b) Data used to reflect the major misconducts incurred by prisoners was incorrect in 6 (5%) of 120 instances. This shows some improvement from the performance audit, which noted incorrect data in 5 (6%) of 80 instances.
- (c) Data used to reflect the physical health and prisoners' parole plans for working was correct in all 60 cases. This shows significant improvement from the

performance audit, which noted incorrect data in 4 (5%) and 7 (9%) of 80 instances, respectively.

ADDITIONAL CONDITIONS REQUIRING DOC'S ATTENTION

During the course of this follow-up review, we discovered additional conditions for which improvements could be made regarding the accuracy of data received by the Parole Board. These additional conditions relate to PERs not being prepared in compliance with the governing statutes, policies, and/or procedures. We assessed the accuracy and completeness of 60 PERs by comparing the 10 categories of information presented on the PERs with supporting documentation contained in DOC's records. We noted discrepancies between the information presented on the PERs and the documentation contained in DOC's records for 3 categories: Active Offense(s), Prior Criminal Record, and Programming. Our review disclosed:

a. Active Offense(s) Category

Of 60 PERs reviewed:

- 6 (10%) PERs did not disclose that the prisoner was on probation at the time of offense.
- 3 (5%) PERs did not disclose that the prisoner was on parole at the time of offense.
- 2 (3%) PERs did not disclose that the prisoner was using drugs at the time of offense.
- 1 (2%) PER did not disclose that the prisoner was in a correctional facility at the time of offense.

b. Prior Criminal Record Category

Of 60 PERs reviewed:

- 4 (7%) PERs did not accurately indicate the number of prior misdemeanor convictions.

- 3 (5%) PERs did not accurately indicate the number of prior felony convictions.
- 3 (5%) PERs did not indicate that the prisoner had a prior "assaultive" conviction.
- 2 (3%) PERs did not indicate that the prisoner had a prior "weapons" conviction.
- 2 (3%) PERs did not indicate that the prisoner had a prior "property" conviction.
- 1 (2%) PER did not indicate that the prisoner had a prior "drugs/alcohol" conviction.
- 1 (2%) PER did not indicate that the prisoner had a prior "other" conviction.
- 1 (2%) PER did not disclose the juvenile history of a prisoner.

c. Programming Category

Of 60 PERs reviewed:

- 4 (7%) PERs did not indicate whether prisoners completed all Reception Facility recommended programs.
- 4 (7%) PERs did not indicate whether prisoners were recommended for educational programs.
- 2 (3%) PERs did not indicate whether prisoners were recommended for or participated in a work assignment.
- 2 (3%) PERs did not indicate whether prisoners were recommended for or participated in psychological services.
- 1 (2%) PER did not indicate whether the prisoner participated in obtaining and/or completed a GED.

The preceding information was in the prisoners' pre-sentence investigation report, parole guideline score sheet, and/or basic information sheet and may or may not have been discovered by the Parole Board in reviewing a prisoner's record. We did not identify instances in which data not on the PER adversely influenced a parole decision.

The PER is used as a critical tool by the Parole Board to assess a prisoner's character, background, and effort in completing DOC program recommendations. The PER helps to determine if the prisoner is ready for parole. Therefore, it should be thoroughly and properly completed. We believe that these conditions warrant DOC's immediate attention to reduce the risk of an incorrect Parole Board decision based on inaccurate or incomplete data.

FURTHER CORRECTIVE ACTION PLANNED BY DOC

DOC informed us that it plans to take further corrective action to correct and monitor the weaknesses identified in this report. The corrective action includes:

- a. Further reducing the amount of manual entry into parole guideline score sheets and PERs by downloading more information from DOC's information systems.
- b. Further reviewing and revising procedures, screens, and forms to better clarify the information that is to be entered in the information systems or on the forms.
- c. Continued training for DOC staff.
- d. Developing additional methods to monitor the accuracy of parole guideline data entry, parole guideline scores, and PERs.